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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/055,156 04/04/98 GAZIT

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EXAMINER

WM01/1003

PILLSBURY MADISON AND SUTRO  
INTELLECTUAL PROPERTY GROUP  
1100 NEW YORK AVENUE NW  
NINTH FLOOR EAST TOWER  
WASHINGTON DC 20005-3918

ART UNIT	PAPER NUMBER
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2661  
DATE MAILED:

10/03/01

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.

09/055,156

Applicant(s)

GAZIT, HILLEL

Examiner

Shick C Horn

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 23 July 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-105 is/are pending in the application.
- 4a) Of the above claim(s) 3, 46, 48, 67, 75 and 82 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 4-19, 51-53, 57-62, 65, 66, 68-74, 76-78 and 83 is/are allowed.
- 6) ☒ Claim(s) 1, 2, 20-47, 49, 50, 54-56, 63, 64, 79-81 and 84-105 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

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## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed 7-23-01 have been fully considered but they are not persuasive.

### ***Specification***

2. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

### ***Claim Rejections - 35 USC § 112***

3. Claim 54 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 54 lines 3 and 4 which recite "an old data stream" and "a new data stream" are not clear as to whether they're reciting ---said old data stream--- and ---said new data stream-- - as in claim 54 lines 1 and 1-2.

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***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 2, 20, 24, 79, 84, 88-90, and 96-101 are rejected under 35 U.S.C. 102(b) as being anticipated by Taggart, Jr. et al.

Taggart, Jr. et al. disclose all the subject matter now claimed. Note col. 1 lines 6-10 which recite a magnetic tape reading equipment including circuit for generating an electronic window to detect encoded data and col. 7 lines 6-18 which recite the Control Circuit having a Read Out Counter to ensure that data is not read from the Deskew Buffer before it is loaded into the Deskew Buffer from the data generation circuit whereby if an overlap occurs, an overflow condition will be detected clearly anticipate the step of detecting digitally encoded data stream causing an overflow condition as in claims 1, 2, and 20, the step of splicing digitally encoded data streams as in claims 24, 54,

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and 71, and transmitting and outputting digitally encoded data stream as in claims 79 and 98. Col. 5 line 60 to col. 6 line 25 which recite a Phase Lock Loop Circuit receiving a clock input for generating a window for the purpose of anticipating the data rate wherein an electronic window opens before the time when the data bit is expected and remains open after the data bit was expected whereby if there is a long variation between the anticipated and actual bit rates, the window will tend to be consistently early or late, depending on the direction of the long term variation; this variation is corrected by using a counter which will either count up or down depending on whether the last data bit was received earlier or later than expected and when the counter overflows, either positively or negatively, a clock pulse will be added or subtracted to the clock pulse per data bit cycle to either accelerate or delay the generation of subsequent windows to compensate for the variations clearly anticipate the step of delaying the first data stream for a delay time to prevent overflow condition and the step of accelerating the second data stream preceded by the first data stream to substantially make-up for the delay time as in claims 1, 2, and 20 and the steps of modifying a current timing reference and aligning a portion of the new data stream as in claims 24, 54, and 71. Col. 7 line 50 to col. 8 line 24 which recite that since

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corrections of up to six clocks may be added, the dead time during which reading of bit will be inhibited wherein correction constants are inserted during the dead time so that the twelve bit window is not disturbed clearly reads on the step of delaying having the step of inserting null packets and the step of accelerating deletes other null packets as in claims 21, 84, 88-90, 93-97, and 99-101.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claims 22, 23, 43, 47, 54-56, 63-64, 85-87, 91-95 are rejected under 35 U.S.C. 103(a) as being unpatentable over Taggart, Jr. et al. as applied to claim 1 above, and further in view of Fox et a.

Taggart, Jr. et al. did not recite the steps of detecting, delaying and accelerating being performed in real-time as in

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claims 43, 54, 85, 91. Taggart, Jr. et al. did not recite the use of a computer-readable storage medium and a computer as in claim 47 and the step of determining a delay caused by re-scheduling transmission according to a formula as in claims 22-23. Taggart, Jr. et al. did not recite means for determining a splice-in point and means for closing an open group of pictures as in claims 55-56 and the method of decoding as in claim 62.

Fox et al. teach that it is known to provide timing information including program clock reference PCR, presentation time stamp, and decoding time stamp PTS/DTS in the transport streams and timing of "real" time encoding of the encoding section as set forth at col. 5 line 63 to col. 6 line 12 in the field of television for the purpose of preserving audio and video presentation synchronization during splicing operation which clearly anticipate the steps of detecting, delaying and accelerating being performed in real-time as in claims 43, 54, 85, 91. Col. 3 lines 24-35 which recite the use a computer or a storage device at the clients/receiver for controlling the resources within the source section clearly anticipate use of a computer-readable storage medium and a computer as in claim 47 and the step of determining a delay caused by re-scheduling transmission according to a formula as in claims 22-23. Col. 1 lines 55-67 which recite means for maintaining synchronization

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between the video signal and the associated audio signal including the synchronization of a soundtrack consisting of dialogue, music, and effects with the pictures of a program and col. 2 lines 39-47 which recite means for determining the spacing between audio access units at the splice point for alignment of video streams whereby the decoder is specified to mute when no audio access unit is applied, e.g., a gap, or when an incomplete audio access unit is decoded clearly anticipate means for determining a splice-in point, means for closing an open group of pictures, and the method of decoding as in claims 55-56 and 63-64.

***Allowable Subject Matter***

8. Claims 4-19, 51-53, 57-62, 65-66, 68-74, 76-78, and 83 are allowed.

9. Claims 25-42 44-45, 49-50, 80, 81, 102-105 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2<sup>nd</sup> paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.



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**Conclusion**

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Desai et al. disclose a system and method for inserting data into a digital audio/video data stream.

11. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

or faxed to:

(703) 872-9314, (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington. VA., Sixth Floor (2600 Receptionist at (703) 305-4750).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shick Hom whose telephone number is (703) 305-4742. The examiner's regular

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work schedule is Monday to Friday from 8:00 am to 5:30 pm EST and out of office on alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Douglas Olms, can be reached at (703) 305-4703.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

SH

September 29, 2001



DOUGLAS OLMS  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600